

## ORIGINAL TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

TRACEY L. JOHNSON AND DAVID JAMES, JR. PLAINTIFFS  
VERSUS CIVIL ACTION NO. 2:10-CV-00036-WAP-SAA  
CITY OF SHELBY, MISSISSIPPI, AND  
HAROLD BILLINGS DEFENDANTS

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### DEPOSITION OF PEGGY MENGARELLI

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#### APPEARANCES:

LUTHER C. FISHER IV, ESQUIRE  
Waide & Associates  
332 North Spring Street  
Tupelo, Mississippi 38804

#### REPRESENTING THE PLAINTIFFS

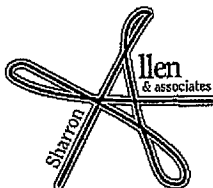
LATOYA C. MERRITT, ESQUIRE  
Phelps Dunbar  
4270 I-55 North  
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#### C REPRESENTING THE DEFENDANTS

ALSO PRESENT: David James

Taken at the instance of the Plaintiffs  
At Shelby City Hall  
305 3rd Street  
Shelby, Mississippi  
On March 31, 2011, at 1:33 p.m.

REPORTED BY: SHAUNA W. STANFORD, CSR  
CSR NO. 1380



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EXHIBIT

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1 Q. Were you ever present when Alderman Billings  
2 made a statement to the effect that if Mr. James was  
3 not fired, the city would not be responsible for his  
4 safety?

5 A. I don't recall those exact words.

6 Q. What words like that?

7 A. I mean, I don't know. I know that he had  
8 said that he -- it could cause a boycott here in town.  
9 That's the only thing I know. But not that -- about  
10 his safety, he couldn't guarantee his safety. I don't  
11 remember that.

12 Q. Okay. Well, what do you recall about him  
13 making a statement about a boycott?

14 A. Just that, you know, if something wasn't  
15 done, that it could cause people to boycott the town.

16 And it wasn't just specific businesses. I  
17 mean, he didn't say specific businesses. He just said  
18 it could effect a boycott in town.

19 Q. Okay. Did you vote to fire Mr. James and  
20 Ms. Johnson?

21 A. I did.

22 Q. Why? What did they do?

23 A. They did not follow the law in three  
24 instances: The first one being trying to get a citizen  
25 to get her boyfriend or whatever he is -- I'm not

1                   MR. FISHER: Okay. I may be done. Let me  
2                   have just a moment.

3                   (OFF THE RECORD)

4                   BY MR. FISHER:

5                   Q. Do you recall that on your very first meeting  
6                   as a member of the board there was a vote to fire  
7                   Mr. James and that you were told you could not  
8                   participate in that vote?

9                   A. I wasn't at the first board meeting after I  
10                  was elected. I was at a conference in Las Vegas is why  
11                  I was not there, so I had nothing to do with that. I  
12                  was not here.

13                  Q. Was there a called meeting after that to  
14                  reinstate him?

15                  A. Yeah, that I was at. And I also said that  
16                  they could not do it; they had to have just cause; that  
17                  they had to go by the rules.

18                  Q. The policies set by the City?

19                  A. The old policies, yes.

20                  Q. Okay. When did those policies change, by the  
21                  way?

22                  A. I don't know. I can't give you dates as to  
23                  when they changed.

24                  Q. It was after Mr. James and Ms. Johnson were  
25                  fired, though. Correct?

1 A. No.

2 Q. No?

3 A. No. I think it's at the same time they were  
4 fired.

5 Q. At the same time?

6 A. Yes.

7 Q. Like you mean in the same meeting? What do  
8 you mean?

9 A. I think so. They can look back at the  
10 minutes.

11 Q. Okay. When did Mr. Billings make a statement  
12 that there might be a boycott if something was not done  
13 about Mr. James?

14 A. We had a board meeting, and we had citizens  
15 in here that was upset and calling and saying that they  
16 would boycott; and Mr. Billings said that this could  
17 happen.

18 Q. Okay. Did --

19 A. And that we didn't want to see a boycott in  
20 this town -- is I think the way he put it.

21 Q. How long was this before their termination?

22 A. That I voted to put him back to work?

23 Q. No, ma'am. This meeting where the boycott  
24 was discussed, how long was that before the meeting in  
25 which Mr. James and Ms. Johnson were fired?